Remarks

Claims 1-46 were pending in this application. Claims 1-9 were cancelled. In an Office Action dated October 2, 2003, the Examiner rejected claims 1-5 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,363,070 to Mullens *et al.* (Mullens). The Examiner rejected claims 10 and 36 under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,421,731 to Ciotti, Jr. *et al.* (Ciotti). The Examiner rejected claims 6-9, 11, 24-35 and 37 under 35 U.S.C. § 103(a) as being unpatentable over Mullens in view of U.S. Patent No. 6,049,533 to Norman *et al.* (Norman). The Examiner rejected claims 12-19 and 38-46 under 35 U.S.C. § 103(a) as being unpatentable over Ciotti in view of Mullens. The Examiner rejected claims 20-23 under 35 U.S.C. § 103(a) as being unpatentable over Ciotti in view of Norman. Applicants respectfully disagree with the Examiner's rejections regarding claims 10-46 and respectfully request reconsideration in light of the following arguments.

Independent claim 10 provides a method of distributing high-speed information packets to at least one subscriber unit. Each information packet is associated with an information channel. Each information packet is routed through a distributed network of routing elements with each routing element in wireless communication with at least one other routing element. Each information packet is received in a distribution center in communication with the distributed network of routing elements and at least one subscriber. Each information packet is forwarded to each subscriber unit *requesting the information channel of which the information packet is associated.*

Independent claim 36 provides a system for distributing high-speed information packets to at least one subscriber unit, each information packet associated with an information channel. The system includes a distributed network of routing elements for routing each information packet and at least one distribution center in communication with the network. Each routing element is in wireless communication with at least one other routing element. The distribution center forwards each information packet to each *subscriber unit requesting the information channel* associated with each information packet.

The Examiner rejected claims 10 and 36 as being anticipated by Ciotti, citing Ciotti's Figure 1 and Abstract. Neither Ciotti's Figure 1 nor the Abstract teach or suggest forwarding information packets to subscribers based on the information channel requested by

the subscriber. In fact, Ciotti does not mention information channels of any kind. Since Ciotti does not teach every element of claims 10 and 36, these claims are patentable over Ciotti. Claims 11-19 depend from claim 10 and are therefore also patentable. Claims 37-46 depend from claim 36 and are therefore also patentable.

Claim 15, which depends from claim 10, provides for receiving a request from a subscriber unit to access an information channel. Transmission of the requested information channel is requested if no other subscriber unit is receiving the requested information channel. A notation is made that the requesting subscriber unit is receiving the requested information channel.

The Examiner rejected claim 15 as being unpatentable over Ciotti in view of Mullens. The Examiner did not mention any limitations of claim 15 or how these limitations were met in either Ciotti or Mullens. As previously mentioned, Ciotti appears to neither teach nor suggest Applicants' information channels. Nor can anything similar to Applicants' information channels be found in Mullens. Since neither reference teaches or fairly suggests requesting a transmission of requested information channel if no other subscriber unit is receiving the requested information channel, the Examiner has failed to establish a *prima facie* case.

Independent claim 20 provides a system for delivering high-speed packetized information. The system includes a distributed routing network having a plurality of distribution points. Each distribution point is in radio contact with at least one other distribution point. At least one of the distribution points includes at least one host digital terminal (HDT) for converting high-speed information packets to an optical format and forwarding the information packets to subscriber units.

The Examiner rejected claim 20 as being unpatentable over Ciotti in view of Norman. The Examiner first states that "claims 20-23 recite the same limitations of claim 10." Claim 10 does not expressly recite a host digital terminal in any form, let alone as part of a distribution point. The Examiner next states that Ciotti's lack of disclosure regarding an "optical format" is compensated for by Norman. Norman discloses the use of wireless optical links. However, as is well known in the art, such links are not suitable for high-speed information packets. An HDT communicates through optical fibre. (See, page 9, line 23,

through page 10, line 2.) Since neither Ciotti nor Norman teach or fairly suggest Applicants' wireless distribution point that includes at least one HDT, the Examiner has failed to establish a *prima facie* case. Claims 21-27 depend from claim 20 and are therefore also patentable.

Independent claim 28 provides a system for delivering packetized video information to a plurality of subscriber units. The system includes a distributed routing network having a plurality of distribution points. Each distribution point is in radio contact with at least one other distribution point. At least one of the plurality of distribution points functions as a video distribution center.

Independent claim 31 also provides a system for distributing packetized video information to a plurality of subscriber units. The system includes a distributed routing network having a plurality of distribution points. Each distribution point is in radio contact with at least one other distribution point. At least one access point in communication with the distributed routing network functions as a video distribution center.

The Examiner rejected claims 28 and 31 as being unpatentable over Mullen and/or Norman. The Examiner's basis for these rejections seems to be that it would be obvious to adapt either system for video. While this may or may not be true, simply adapting either system for video does not teach or fairly suggest either a distribution point which functions as a video distribution center or an access point which functions as a video distribution center. The Examiner has therefore failed to establish a *prima facie* case of obviousness. Claims 29 and 30 depend from claim 28 and are therefore also patentable. Claims 32-35 depend from claim 31 and are therefore also patentable.

Claims 10-46 are pending in this application. Applicants believe these claims meet all substantive requirements for patentability and therefore request that this case be passed to issuance. No fee is believed due by filing this amendment. However, any fee due may be withdrawn from Deposit Account No. 21-0456 as specified in the Application Transmittal.

The Examiner is invited to contact the undersigned to discuss any aspect of this case.

Respectfully submitted,

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